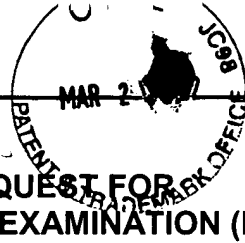


RCE/1636  
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**REQUEST FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000 provides for continued examination of a utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application Number: 08/765,026  
Filing Date: January 29, 2001  
First Named Inventor: Martine BARKATS *et al.*  
Group Art Unit: 1636  
Examiner: D. Guzo  
Attorney Docket Number: 03804.0118  
Attorney Customer Number: 22,852

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**Note:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for patent term adjustment provisions of the AIPA. See "Changes to Application Examination and Provisional Application Practice," Interim Rule, 65 *Fed. Reg.* 14865 (March 20, 2000). *Off. Gaz. Pat. Office* 47 (April 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114:

#30

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply after final under 37 C.F.R. § 1.116 previously filed on [Date] \_\_\_\_\_.
- ii. ☐ Consider the arguments in the Appeal Brief of Reply Brief previously filed on [Date] \_\_\_\_\_.
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed:
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement
- iv. ☐ Other \_\_\_\_\_

2. Miscellaneous

- a. ☐ Suspension of action on the above-mentioned application is requested under 37 C.F.R. § 1.103(c) for a period of [number] months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. § 1.17(i) required.)
- b. ☐ Other \_\_\_\_\_

3. Fees

- a. ☒ The filing fee is calculated as follows:
- i. ☒ \$740.00 RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Petition for extension of time for (3 Months) \$920.00
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$1,660.00 enclosed.
- c. ☒ The Director is authorized to charge any deficiencies in the filing fees, or credit any overpayments to Deposit Account No. 06-0916.

**Signature of Applicant, Attorney, or Agent Required**

Name: Charles D. Niebylski

Reg. No.: 46,116

Signature: 

Date: March 21, 2002

**Certificate of Mailing or Transmission**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, BOX RCE, Washington, D.C. 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: [Date]

03 Name: CHUYEN 00000009 08765026

01 Fee: 740.00 OP

Date:



22852

PATENT TRADEMARK OFFICE

PATENT  
Attorney Docket No. 03804.0118

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Martine BARKATS *et al.* )

Serial No.: 08/765,026 )

Group Art Unit: 1636

Filed: January 29, 2001 )

Examiner: D. Guzo

For: ADENOVIRUS INCLUDING A  
GENE CODING FOR A  
SUPEROXIDE DISMUTASE )

#31D

Zda

3-28-02

**Box RCE**Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**SUBMISSION UNDER 37 C.F.R. § 1.114**

In reply to the final Office Action mailed on September 25, 2001, Applicants file a Request for Continued Examination and submit the following amendment and arguments in accordance with the requirements of 37 C.F.R. § 1.114. By virtue of the concurrently-filed Petition for a Three-Month Extension of Time and appropriate fee, this Request for Continued Examination and Amendment and Request for Reconsideration are due by March 25, 2002, and are timely filed.

**AMENDMENT****IN THE CLAIMS:**

Please cancel claims 76, 77, and 80, without prejudice or disclaimer, and amend claims 47, 62, 68, and 81 as follows:

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